

I hereby certify this is a True Copy of the Decision of the Arlington Redevelopment Board as filed with the Office of the Town Clerk of the Town of Arlington, Massachusetts on April 24, 2023 and that 20 days have elapsed after the Decision and no Appeal has been filed ATTEST

Date of Issue

May 16, 2023

Town Clerk



TOWN CLERK'S OFFICE
ARLINGTON, MA 02170

2023 APR 24 PM 1:21

ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts
Middlesex, ss

DOCKET NO. 3728

DECISION
Special Permit Under
ENVIRONMENTAL DESIGN REVIEW

Applicant: 99 Massachusetts Ave, LLC, 99 Massachusetts Avenue, Arlington, MA, 02476
Property Address: 99 Massachusetts Avenue, Arlington, Massachusetts 02474

Hearing Date: December 5, 2022, March 6, 2023, March 27, 2023

Date of Decision: March 27, 2023

20 Day Appeal Period Ends: May 15, 2023

Members
Approved

Eugene B. Beland
Rachel J. Zembura
John A. Reardon

Opposed

Town Clerk's Certification

Johanna H. Byrle

Date

May 16, 2023

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**Town of Arlington, Massachusetts
Redevelopment Board**

730 Massachusetts Avenue, Arlington, Massachusetts 02476

DECISION OF THE BOARD

Special Permit and Environmental Design Review Docket #3728

99 Massachusetts Avenue, Arlington, MA 02474

99 Massachusetts Ave, LLC

March 27, 2023

This Decision applies to the application filed on November 3, 2023, by 99 Massachusetts Ave LLC, 99 Massachusetts Avenue, Arlington, MA to convert an existing office building to mixed use by converting the attic to one residential unit at 99 Massachusetts Avenue in the B2 Neighborhood Business District. The Board reviewed and approved an Environmental Design Review Special Permit for Docket #3728 under Sections 3.3 and 3.4 of the Arlington Zoning Bylaw.

The Owner will convert a currently unfinished attic space to a 1,220 square foot two-bedroom residential unit. All existing commercial office space will remain, although the front entry and interior stair will be renovated, and a new entry and ADA ramp will be constructed for the ground floor commercial unit. Vehicular parking is provided via a surface parking lot in the rear of the property with six parking spaces; long-term bicycle parking will be provided adjacent to the parking area, and short-term bicycle parking will be located along the Massachusetts Avenue sidewalk, subject to the Town's approval.

A public hearing was held on December 5, 2022, March 6, 2023, and March 27, 2023. The public hearing was closed on March 27, 2023.

VOTE: The ARB voted (4-0) to approve a Special Permit under Environmental Design Review with conditions for Docket #3728 on March 27, 2023.

Materials reviewed for this Decision:

- Updated zoning analysis, site diagram, and roof plan
- Updated site diagram, floor plans, and elevations
- Shadow study
- Application for EDR Special Permit, including an Environmental Impact Statement;
- Photos of existing condition and surrounding areas; and

- Site and Architectural Drawing Set, prepared by LR Designs, dated October 31, 2022.

The following criteria have been met, per Section 3.3.3 of the Arlington Zoning Bylaw:

1. The site is currently located in the B2 Neighborhood Business District. The B2 district is intended for small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic, and mixed-use buildings. Mixed-use is encouraged in this district and is allowed by Special Permit.
2. Mixed use with a combination of office and residential uses is appropriately located in the B2 district.
3. The project does not alter the number of parking spaces provided; additional long- and short-term bicycle parking will be created as part of this project. The one additional residential unit will not create undue traffic congestion or unduly impair pedestrian safety.
4. The proposed use would add one residential unit to an existing office building, which has been on the site for many years and has not overloaded public utilities.
5. No special regulations are applicable to the proposal.
6. The requested use does not impair the integrity or character of the neighborhood.
7. The requested use will not be in excess or detrimental to the character of the neighborhood.

The following criteria have been met, per Section 3.4.4 of the Arlington Zoning Bylaw:

1. EDR-1 Preservation of Landscape

The existing property is nearly entirely impervious with the exception of grass strips around the front and sides of the building. There is no natural landscape to preserve with the building and parking lot fully saturating the parcel. The landscaping along the Lee Terrace façade has been removed to provide ADA access to the building. The remaining landscaped areas will be improved with new planting, and 506 square feet of new landscaped area will be introduced.

2. EDR-2 Relation of the Building to the Environment

The property is in the B2 Neighborhood Business District; however it abuts properties in several other zoning districts. As such, there are a range of architectural styles and building heights in the vicinity. The addition includes differentiation and stepping back of the upper story addition, which is encouraged in the Arlington Design standards. The renovation of the principal entry will improve the relationship between the upper-story addition and the overall building design and improve the interaction between the sidewalk and the building.

The Owner will convert the building from an office building to mixed use through the addition of one residential unit to the top floor. The total square footage of the addition will increase the gross floor area of the structure from 4,200 to 5,420 square feet (+1,220 square feet).

While the property is currently nonconforming, the ARB found that the addition will not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood.

3. EDR-3 Open Space

The project will eliminate one strip of pervious area on the Lee Terrace façade to provide ADA access to the building. Landscaped open space will be improved and added to the front, opposite side façade, and rear walkway between the building and the parking lot. The project will increase landscaped open space from 5% to 13.2% (+506 square feet), and bring an existing nonconforming condition into conformance.

The property does not currently have any usable open space, as usable open space is not required for commercial areas. The Board granted relief from the usable open space requirement per Section 5.5.2(B), finding that there is no area on the property in which a 25 by 25 square foot usable open space could be introduced, and the residential unit will have access to a 243 square foot balcony.

The Board granted relief from buffer requirements per Section 5.3.21, finding that the provision of a landscaped buffer is precluded by the applicant's need to provide parking on-site in a surface parking lot that extends to the front façade of the abutting property in the R3 District and because currently there is no buffer at the edge of the parking lot

4. EDR-4 Circulation

Six vehicle parking spaces are currently provided and will continue to be provided in a surface parking lot at the rear of the property. A new accessible entry to the ground floor office suite will be provided for pedestrian access. A total of eight bicycle parking spaces will be provided: four long-term bicycle parking spaces will be located in storage lockers adjacent to the surface parking lot, and four short-term spaces will be located in the landscaped strip between the sidewalk and Massachusetts Avenue, subject to approval by the Town.

5. EDR-5 Surface Water Drainage

There will be no increase to impervious surface; therefore the proposal complies with the Town's stormwater bylaw.

6. EDR-6 Utilities Service

All utility services will be provided through connections to existing utility lines adjacent to the site.

7. EDR-7 Advertising Features

The proposed building identification sign is exempt from the Sign Bylaw. No additional signage was proposed; future signage would be subject to review by the Department of Planning and Community Development, and possibly the Redevelopment Board, prior to the issuance of a sign permit.

8. EDR-8 Special Features

There are no special features as part of this project.

9. EDR-9 Safety

The building has been designed to meet all relevant health and safety codes, subject to further review by Inspectional Services.

10. EDR-10 Heritage

The building and property are not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington*.

11. EDR-11 Microclimate

There are no proposed changes that would affect the microclimate.

12. EDR-12 Sustainable Building and Site Design

The redevelopment as proposed generates a score that potentially qualifies for LEED certification. Additionally, the Owner will be providing solar panels on more than 50% of the roof area to comply with the Zoning Bylaw Section 6.4, Solar Energy Systems.

The Board made the following findings in this Decision:

1. The project is consistent with Environmental Design Review per Section 3.4 of the Zoning Bylaw and with the criteria for issuance of a Special Permit per Section 3.3.3 of the Zoning Bylaw.
2. The addition of a 4th floor is not substantially more detrimental to the neighborhood than the existing nonconforming structure and no greater nonconformity is created
3. The landscaped areas are appropriate per Section 5.5.2(B).
4. The landscaped buffer provided in the parking area is appropriate per Section 5.3.21.

The project must adhere to the following general conditions:

1. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board or administratively approved by the Department of Planning and Community Development.
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions, or modify these conditions as it deems appropriate to protect the public interest and welfare.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.

5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.
6. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.
7. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
8. All utilities serving or traversing the site (including electric, telephone, cable, and other such lines and equipment) shall be underground.
9. This Special Permit / Environmental Design Review approval is conditioned upon compliance with the conditions set forth herein and any other forms of relief granted, with the State Building Code and, where applicable, with the Massachusetts Architectural Access Board regulations.
10. Upon the issuance of the building permit the Applicant shall file with the Building Inspector and the Department of Community Safety the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.

The project must adhere to the following special conditions:

1. The Owner shall work with the Town to secure approval for short-term bicycle parking in front of the property. If approval cannot be obtained, short-term bicycle parking must be provided at the rear of the building, and a sign indicating the location of bicycle parking must be provided on the front of the building.
2. The Board has not made a determination on whether any vehicular parking spaces must be handicapped accessible; the determination is subject to the Building Inspector.
3. The Owner must submit samples of the exterior panel material to the Department of Planning and Community Development for later review and approval by the Board; this decision is subject to the Board's approval of material selection.

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